IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1173 (S/S) 2007

Pooran Singh Bisht S/o late Ram Singh Bisht,
R/o Tildhukri, district Pithoragarh,
Presently working as Plan Clerk in the office of
Prescribed Authority, Pithoragarh. ---Petitioner.

Vs.

1. State of Uttarakhand, through its Secretary, House & Planning, Civil Secretariat, Dehradun,
2. District Magistrate/ Chairperson/ Controlling Authority, Pithoragarh,
3. Prescribed Authority/ Sub Divisional Magistrate, Pithoragarh,
4. Sri Kunal Sharma, District Magistrate/ Chairperson Regulated Area, Pithoragarh. ----Respondents.

Ms. Menka Tripathi, learned Counsel for the petitioner and
Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/ respondent nos. 1 to 3,
None for respondent no.4.

Hon'ble M.M. Ghildiyal, J.

Heard Ms. Menka Tripathi, learned Counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/ respondent nos. 1 to 3. None is present on behalf of respondent no.4.

By mans of this writ petition, the petitioner has prayed for the following reliefs:-

i Issue a writ, order or direction in the nature of certiorari quashing the orders dated 18.07.2007 and 19.07.2007 passed by the respondent no. 2 (contained in annexure no. 1 & 2 to the writ petition),

ii Issue a writ, order or direction in the nature of mandamus commanding the respondents to allow the

petitioner to work on the post and place on which he was working prior to passing of the impugned orders and pay him his regular salary,

iii May grand or issue any other writ or direction which this Hon'ble Court deems just and proper in the Circumstances of the case,

iv Award the cost of the petition to the petitioner.

Vide order dated 18th July 2007 passed by the District Magistrate/Chairman also holding the post of Controlling Officer-Regulated Area Pithoragarh, the petitioner who was working as Plan Clerk in Regulated Area, Pithoragarh has been attached at Tehsil Office, Munsyari-Pithoragarh on administrative ground; till further orders and vide order dated 18.07.2007 passed by the Prescribed Authority/ Sub Divisional Magistrate, Regulated Area, Pithoragarh, the petitioner who was on leave, has been relieved ex-parte with the direction to take charge at Tehsil Office Munsyari.

The third order which is also under challenge in the instant writ petition is of dated 19th July 2007 passed by District Magistrate/Chairman also holding the post of Controlling Officer- Regulated Area Pithoragarh by which the petitioner has been placed under suspension for certain charges. By this very order, the Sub Divisional Magistrate, Didihat has already been appointed as Inquiry Officer. The Petitioner has already been served with the charge sheet with the direction to submit his reply and evidence, if any, against the charge sheet in his defence within a period of 15 days.

Learned counsel for the petitioner has submitted that the petitioner in turn on 4th August 2007 has already submitted his reply to the charges leveled against him.

In these circumstances, this Court cannot interfere with the Departmental proceedings already initiated against the delinquent official. However considering the facts and circumstances of the case, I deem it fit and proper to direct the Disciplinary Authority to issue directions to the Inquiry Officer to conclude the enquiry at the earliest and after enquiry report is received from the Inquiry Officer, pass final order in accordance with law. At any rate, the whole exercise may be completed within a period of two months from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

August 24,2007:
NCM: